



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,928	03/07/2002	Steven Michael Schein	ST/038 CONT 2	2468

7590 08/01/2005

ALEXANDER SHVARTS
FISH & NEAVE
1251 AVENUE OF THE AMERICANS
NEW YORK, NY 10020-1105

EXAMINER

BUI, KIEU OANH T

ART UNIT	PAPER NUMBER
----------	--------------

2611

DATE MAILED: 08/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/092,928	Applicant(s) SCHEIN ET AL.	
	Examiner KIEU-OANH T. BUI	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1-29 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless –
(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*

3. Claims 1-4, 8-11, 13-19, 23-26, and 28-29 rejected under 35 U.S.C. 102(e) as being anticipated by Young et al. (U.S. Patent 5,532,754).

Regarding claim 1, Young discloses “a method for displaying on a screen an interactive electronic program guide (IPG) comprising the steps of: displaying a plurality of television program listings in a first area of the screen as a grid of two-dimensional cells, the displayed grid having a plurality of channels displayed in a first dimension and time displayed in a second dimension (as in Fig. 6 of Young, with a plurality of channels on the first dimension and times on a second dimension); displaying an action control glyph in a second area of the screen; selectively marking one of the cells corresponding to one of the displayed plurality of channels; activating the action control glyph responsive to a user command; and responsive to the activation of the action control

Art Unit: 2611

glyph, rotating the grid of two-dimensional cells so that the one of the displayed plurality of channels is displayed in the second dimension and time is displayed in the first dimension", i.e., (after carefully studied the present specifications again), this limitation simply refers to the activation of Figure 1 to channel 10 Cinemax, and Figure 19 shows a program guide that shows a close up view of the cinemax channel 10, with "10 Channel" is now displayed on the horizontal axis (second dimension) and the time is now displayed (appeared to be) on the vertical axis (the first dimension); and this so called "rotating" technique is taught by Young as Young does exactly the same as Young's program guide shown in figure 6 same as figure 1 of the present application, and as soon as the user selects or activates channel 2, as shown in figure 7, the channel 2 shows in a horizontal manner and times are displayed in a vertical manner (Young, col. 9/line 65-col. 10/line 18).

As for claim 2, Young discloses further "displaying a title of a program in each cell" (Fig. 7 with titles of programs in each cell).

As for claim 3, Young discloses "wherein the displayed rotated grid includes an additional cell on the time dimension displaying an additional program for the displayed channel" (Fig. 7, additional programs can be viewed as the user moves up or down on the time dimension to view further programs on different times, refer to col. 10/lines 10-18).

As for claim 4, Young discloses further "comprising the steps of displaying a second action control glyph in the second area and activating the second action control glyph to rotate the grid of two-dimensional cells back to its original format so that the plurality of channels are displayed back in the first dimension and time is displayed back in the second dimension", i.e., if the user want to exit and back to the program guide 24

Art Unit: 2611

of Figure 6, he/she can exit and back to the last original displayed format (refer to Figs. 6 & 7 and col. 10/lines 10-18).

As for claim 8, Young discloses further “comprising the step of displaying a video window within the IPG for a currently-tuned television program” (Figs. 9 and 26A & 26B).

As for claim 9, in view of claim 1, Young further discloses “comprising the step of displaying a video window within the IPG for a future-scheduled television program” (Figs. 25, 26A & 26B as the user can set up either past and/or future programs on start time and end time box with viewing modes and the selected time period is displaying on the window 3110 or 3120).

As for claim 10, Young further discloses comprising the step of “selecting a title of a program from the displayed grid and recording the selected program when it is telecast” (Fig. 21 for a VCR control for recording the broadcast program by selecting What’s on TV 140 and Record it 148, and Fig. 4 for pending recording list and Fig. 12 for a recording reminder).

As for claim 11, Young discloses further comprising the step of “selecting a title of a program from the displayed grid and tuning to the selected program when it is telecast” (Figs. 6 and 9-10 shows the currently broadcasting program right after the user selects Channel 2 for viewing, also with additional information on currently selected or tuned channel).

Art Unit: 2611

As for claims 13 and 14, Young discloses “comprising the step of purchasing a pay-per-view channel” and “comprising the step of purchasing a merchandise” (Figs. 16-18 and col. 13/line 65 to col. 14/line 9 for pay-per-view and ordering live programs including purchasing other specials, TV fare, sports, etc).

Regarding claim 15, Young discloses ‘an interactive electronic program guide (IPG) displayed on a screen comprising: a plurality of television program listings displayed in a first area of the screen as a grid of two-dimensional cells, the displayed grid having a plurality of channels displayed in a first dimension and time displayed in a second dimension; an action control glyph displayed in a second area of the screen; an input device for selectively marking one of the cells corresponding to one of the displayed plurality of channels and activating the action control glyph responsive to a user command; and a display processor for rotating the grid of two dimensional cells so that the one of the displayed plurality of channels is displayed in the second dimension and time is displayed in the first dimension responsive to the activation of the action control glyph” , i.e., this limitation simply refers to the activation of Figure 1 to channel 10 Cinemax, and Figure 19 shows a program guide that shows a close up view of the cinemax channel 10, with “10 Channel” is now displayed on the horizontal axis (second dimension) and the time is now displayed (appeared to be) on the vertical axis (the first dimension), and this so called “rotating” technique is taught by Young as Young does exactly the same as Young’s program guide shown in figure 6 same as figure 1 of the present application, and as soon as the user selects or activates channel 2, as shown in figure 7, the channel 2 shows in a horizontal manner and times are displayed in a vertical manner (Young, col. 9/line 65-col. 10/line 18).

Art Unit: 2611

As for claim 16, Young shows “wherein the input device is one or more of a keyboard, a remote controller, a pointer device, and a voice activated device” (Fig. 22A for a remote device 212).

As for claims 17-19, 23-26 and 28-29, these claims with same limitations addressed above are rejected for the reasons given in the scope of claims 2-4, and 8-14 as disclosed in details above.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 5-7, 12, 20-22, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Young et al. (U.S. Patent 5,532,754) in view of Lawler et al. (U.S. Patent 5,805,763).

Regarding claims 5 and 20, Young does not further show comprising the step of “displaying a contextual help window and displaying contextual help data associated with an interactive area in the contextual help window as the cursor moves to the interactive area”; however, this technique is taught by Lawler as Lawler, within the interactive electronic program guide system, teaches as the user moves the cursor any where within and around the program guide cells, a window showing contextual information as a help

Art Unit: 2611

guide for the user in making decision on which one is interest to view (Fig. 3, and col. 7/line 19-col. 8/line 53 for window 108). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Young' system with Lawler's teaching technique of providing additional information on a contextual window as a help or guide information, also served as a motivation, for the user/viewer can choose an interested program to view.

As for claims 6 and 21, in further view of claim 5, Lawler teaches "wherein the contextual help window is displayed in a fixed location within the IPG" (see Fig. 3).

As for claims 7 and 22, in view of claim 5, Young shows at least "wherein the step of displaying contextual help data comprises of displaying text data for informing a user of actions that can be done" (Fig. 12 as within the window 74, the system informs the user to "REC" as a reminder to perform the task of recording).

As for claims 12 and 27, Young does not show "comprising the step of accessing a related Internet site from the IPG"; however, Lawler suggest to include the same technique as Lawler's system allowing the user access to LAN, WAN networks referring to the standards and technologies of the Internet related for networking among users in demand for multimedia applications (see Lawler, Fig. 1, and col. 3/line 45 to col. 4/line 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Young' system with Lawler's suggesting technique of accessing LAN, WAN for networking in order to receive additional information related to the Internet site from the IPG as preferred.

Art Unit: 2611

Conclusion

5. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for Technology Center 2600 only)

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu-Oanh Bui whose telephone number is (571) 272-7291. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:30 PM, with alternate Fridays off.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kieu-Oanh Bui
Primary Examiner
Art Unit 2611

KB
July 18, 2005